

CHAPTER 5

ARTICLE A. GENERAL DEVELOPMENT RULES FOR ALL DEVELOPMENT AND LAND USES

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9-5A-1: PURPOSE AND APPLICABILITY:

The purpose of this article is to provide development standards related to all properties within Lemoore regardless of underlying zoning designation or land use. These regulations address building height determination and exceptions, setback measurements, overall development performance standards (e.g., noise, vibration, odor), property and utility improvement requirements, outdoor lighting, fences and walls, and residential accessory structures. Additional standards for landscaping, parking, and signage are listed in subsequent articles of this chapter. (Ord. 2012-01, 4-17-2012)

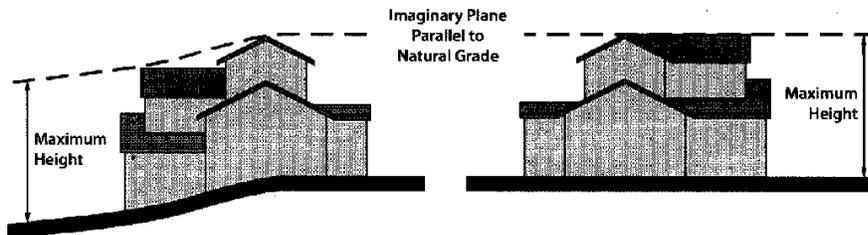
9-5A-2: HEIGHT LIMITS AND EXCEPTIONS:

The following rules apply to the calculation and determination of height of structures within the city. The intent of these regulations is to provide for compatibility in the measure of building height under a variety of circumstances (e.g., sloped site).

Comment [MSOffice1]: Remove. Not needed.

A. Height Measurement: The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

FIGURE 9-5A-2-A1
MEASUREMENT OF HEIGHT



B. Height Limits And Exceptions: Height limits are established throughout this code. Primarily, height limits are listed in article B, "Development Standards By Zoning District", of this chapter, where they are listed by zoning district. Additional height limits are established for outdoor lighting (section 9-5A-6 of this article), fences and walls (section 9-5A-7 of this article), residential accessory structures (section 9-5A-8 of this article), and signs (article F of this chapter).

Comment [MSOffice2]: Not code. Helps in identifying other places in code that deal with height.

Exceptions to height regulations are as follows:

1. Towers, penthouses, and other roof structures for the purpose of shelter for mechanical equipment, cupolas, water tanks, church steeples, radio/television antennas, and similar structures and necessary mechanical appurtenances may be erected on a building to a height greater than the limit otherwise established.
2. Telecommunication facilities may be authorized to exceed the height limit established for the applicable zoning district as provided in section 9-4D-15, "Telecommunication Facilities", of this title.
3. Fire or parapet walls in nonresidential zoning districts may extend up to four feet (4') above the allowable height limit of the structure. (Ord. 2012-01, 4-17-2012)

Comment [MSOffice3]: How much greater? This needs to be defined. Typically, the additional height allowed is 25 feet.

Comment [MSOffice4]: Move to 9-4D-15

9-5A-3: SETBACK DETERMINATION AND REQUIREMENTS:

A. Purpose And Applicability:

1. Purpose: The purpose of this section is to establish requirements for yard areas, setbacks, and encroachments. These requirements, in conjunction with other applicable requirements, are intended to ensure open areas around primary structures maintain clear visibility for traffic safety and pedestrian access, buffer between various land uses, establish natural and visual light, establish airspace privacy, and provide for landscaping and recreation areas.
2. Applicability: The rules for measurement of setbacks, yard areas, and encroachments apply to all properties in the city and shall be in addition to any other applicable development standards and measurement rules contained elsewhere within this title.

B. General Yard And Setback Regulations:

1. Required Yard Area: Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.
2. Exclusivity Of Required Yard Area: No yard or other open space provided around any building for the purpose of complying with this title shall be considered as providing a yard or open space for any other building or structure.
3. Vertical Clearance: Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section.

4. Corner Lots: In the case of a lot abutting two (2) or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required front and street side yards.
5. Double Frontage Lots: Where a double frontage lot has a depth of one hundred twenty five feet (125') or more, such lot may be treated as two (2) lots, with the rear line of each approximately equidistant from the front lot lines, provided all the yard requirements are met.
6. Flag Lots: The front setback for a flag lot shall be measured from the property line that abuts the access corridor, not from where the access corridor meets the public street.
7. Lot Area, Depth, Width, And Setback Reduction: Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than fifteen percent (15%) as a result of acquisition of dedication for a highway, road, drain, or other public purpose, or as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.

8. Setback Measurement:

a. Generally: The setback of all buildings and structures shall be measured at a right angle from the property line and determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan, planned improvements map of the city's general plan. Except as permitted in subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section, or as otherwise specified in this title for specific types of structures (e.g., accessory structures, signs) or through the issuance of a variance, structures shall not extend beyond required setback lines.

b. Lots On Loop Out And Cul-De-Sac Streets: The front setback for lots on loop out and cul-de-sac streets shall be measured from an imaginary line drawn parallel to the property line along the street that has a minimum length equal to the minimum frontage.

C. Residential Yard And Setback Regulations: In addition to the setback standards for single-family residential development listed in section 9-5B-2, table 9-5B-2, "Development Standards For Base Zoning Districts", of this chapter, the following standards shall apply:

1. Front Yard Variation: In any full block of lots, the front yards may be varied so that the required yard depth is not reduced more than five feet (5'), the average of all lots equals the required yard depth, and the corner lot yards are not reduced.
2. Yard Exceptions For Infill Development: On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this subsection, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.
3. Deviations For Lots Recorded Prior To 1987: In case of irregular or wedge shaped lots and lots in subdivisions recorded prior to 1987, the planning director may grant setback deviations up to fifteen percent (15%) of the stated requirements.

Comment [MSOffice5]: This is a lot of work to determine the setback. Many jurisdictions just provide that the front setback on cul de sacs and bulb out corners is 5 feet less than the typical front setback.

Comment [MSOffice6]: As written, this applies to all residential areas. While this may be desirable for new neighborhoods all being built at once, it may also have the unintended consequence of allowing a home in an existing neighborhood to add on to the front of his/her house if he/she is the first one to ask for it. That could cause problems with the other neighbors.

D. Allowed Encroachments Or Projections Into Required Yards: In addition to the structures listed in sections 9-5A-7, "Fences And Walls" and 9-5A-8, "Residential Accessory Structures", of this article, the following structures and architectural features attached to the main building may project into the required yards as depicted in table 9-5A-3-D1, "Encroachments And Projections Into Required Yards", of this section.

**TABLE 9-5A-3-D1
ENCROACHMENTS AND PROJECTIONS INTO REQUIRED YARDS¹**

Comment [MSOffice7]: Doesn't need to be a table

Structural Component	Encroachment Distance	
	Required Front Yard	All Other Required Yards
Bay windows, cornices, canopies, attached decks and patios, eaves, fireplaces, roof overhangs, and similar architectural features	6'	24"

Note:

1. All encroachments shall comply with required fire safety standards as provided in the city adopted building and fire codes.

Comment [MSOffice8]: Not needed. Building codes still apply.

(Ord. 2012-01, 4-17-2012)

9-5A-4: NOISE, ODOR, VIBRATION, AND MAINTENANCE PERFORMANCE STANDARDS:

A. Purpose And Applicability:

1. Purpose: The purpose of this section is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration. The intent is to provide compatibility between neighboring land uses by minimizing various potential operational impacts.
2. Applicability: The standards of this chapter apply to all new and existing land uses within the city, unless otherwise exempted. Existing uses shall not be modified in conflict with the provisions of this chapter.

B. Noise Standards:

1. Applicability: In addition to the provision contained within this section, all uses shall comply with the noise standards set forth in the city's general plan and in title 5, chapter 6, "Noise", of the municipal code. Unless otherwise specified in this section or the general plan, all noise measurements shall be based upon the community noise equivalent level (CNEL).
2. Generally: No use, activity, or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:

- a. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
- b. Any activity regulated by state or federal law;
- c. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;
- d. Public agency sanctioned recreational activities and programs conducted in public parks; and
- e. The authorized collection of solid waste.

3. Maximum Allowable Noise Levels:

- a. The city's noise standards for land use compatibility are listed in table 9-5A-4-B1, "Land Use With Noise Standards" of this section. These standards shall be adhered to and implemented during the review of all proposed development projects. Necessary measures shall be incorporated into all development projects to attenuate exterior and/or interior noise levels to acceptable levels.

Comment [MSOffice9]: Not worded well. Make the wording more direct.

TABLE 9-5A-4-B1
LAND USE WITH NOISE STANDARDS

Land Use	Noise Standards (dB CNEL)	
	Interior Noise	Exterior Noise
Residential uses	45	65 ¹
Residential uses in mixed use zones	45	70
Commercial	-	70
Office	50	70
Industrial	55	75
Public facilities	50	70
Parks	-	70
Schools	50	65

Note:

- 1. In outdoor living areas, e.g., back yards.

- b. If the measured ambient noise level exceeds the applicable noise level standard in any category, the applicable standards shall be adjusted to equal the ambient noise level.
- c. Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

4. Acoustical Analysis Required: Where the city determines that a proposed project may generate noise in excess of any limit established above, and/or where the use may generate noise in outdoor areas in excess of sixty decibels (60 dB CNEL), the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the city. The following measure shall be considered where feasible to reduce noise level below acceptable standards:

- a. Site layout, including setbacks, open space separation, and shielding of noise sensitive uses with non-noise sensitive uses;
- b. Acoustical treatment of buildings; or
- c. Structural measures such as constructed of earth berms and/or wood or concrete barriers or masonry walls.

Comment [MSOffice10]: This is more about permit application requirements.

5. Limitation On Hours Of Construction: In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the city has established the following limits on construction:

- a. Monday through Saturday, six o'clock (6:00) A.M. to eight o'clock (8:00) P.M.
- b. Extended construction hours may only be allowed by the review authority through conditions of approval between eight o'clock (8:00) P.M. and ten o'clock (10:00) P.M.
- c. On Sundays and national holidays, construction activities may only be allowed by the review authority through conditions of approval between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

Comment [MSOffice11]: Reword to be more direct.

6. Limitation On Truck Deliveries: Truck deliveries to a commercial or industrial parcel adjacent to a conforming residential use shall be limited to the hours between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., unless the city authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

Comment [MSOffice12]: Change to Planning Director

7. Locating A New Sensitive Land Use: Where noise sensitive land use is proposed in an area exposed to existing or projected noise levels in excess of sixty five decibels (65 dB CNEL), the city may require an acoustical analysis so that noise reduction measures may be included in the project design.

Comment [MSOffice13]: Move to be near No. 4.

8. Sound Amplifiers: No person shall use or cause to be used at any place in the city, whether on public property or private property, any sound amplifying device or equipment without first having secured an amplified sound permit as described in title 5, chapter 6, "Noise", of the municipal code.

Comment [MSOffice14]: This section is not needed. It is a direct quote of Section 5-6-4 A.

9. Noise Easement Required: All new subdivisions of land through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal code shall be required as a condition of approval to record at time of final or parcel map a noise easement on all lots created. Such easement shall identify the presence of aircraft and industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

Comment [MSOffice15]: This is more of a requirement for new developments, and not a noise standard that needs to be met. Should be moved to a more appropriate location.

C. Odors, Particulate Matter, And Air Contaminants Standards:

1. Odor: No obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

2. Particulate Matter And Air Contaminants: The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combinations which exceed any local, state, or federal air quality standards. Particulate matter shall not be discharged into the atmosphere in excess of the standards of the federal environmental protection agency, the California air resources board, or the regional air quality management district.

3. Odor Easement Required: All new subdivisions of land through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal code shall be required as a condition of approval to record at time of final or parcel map an odor easement on all lots created. Such easement shall identify the presence of industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

Comment [MSOffice16]: This is more of a requirement for new developments, and not an odor standard that needs to be met. Should be moved to a more appropriate location.

D. Vibration Standards: Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

1. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

2. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose properties abut the property lines of the subject parcel;

3. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and

4. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section.

E. Maintenance:

Comment [MSOffice17]: Change to Maintenance Standards

1. All property shall be maintained in accordance with title 4, chapter 4, "Property Maintenance", of the municipal code.
2. Each exterior of a building or other structure must be kept in a good state of repair, and the exterior finish must be clean and well maintained.
3. The entire site, including paved, unpaved, and landscaped areas, must be kept in a neat and orderly manner, free of junk, debris, abandoned vehicles, weeds, loose trash, and other litter. (Ord. 2012-01, 4-17-2012)

9-5A-5: PROPERTY AND UTILITY IMPROVEMENTS:

- A. Purpose: The purpose of this section is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These requirements, in conjunction with other applicable requirements of this code, are intended to establish the applicability of said requirements of development in all new industrial, commercial, residential subdivisions, and infill projects. This section addresses the applicability of public utility improvements and is not intended to supersede the city's construction improvement standards.
- B. Curbs, Gutters, And Sidewalks: Installation of curbs, gutters, and sidewalks shall be required for all new development projects except rural subdivisions. Such improvements shall be provided at the location of the ultimate right of way width as established under the general plan, or other location as approved by the city as part of tentative map or site plan and architectural review.
- C. Underground Utility Requirements And Applicability: The requirements listed below govern the undergrounding of utilities, including telephone facilities, electrical (less than 70 kVA), fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities.
1. New Developments: In new development areas of the city, all on site utilities shall be installed underground, if feasible.
 2. Existing Developments: In existing areas of the city where utilities have not been undergrounded, the requirements listed below shall apply.
 - a. For an existing development that is either: 1) being comprehensively redeveloped or 2) undergoing an addition or renovation of more than two hundred fifty thousand dollars (\$250,000.00), all utilities on the project site shall be placed underground. All existing overhead utilities that cross or abut the subject property are also required to be placed underground. "Comprehensively redeveloped" shall mean any instance where a demolition permit has or would be issued for a minimum of fifty percent (50%) of the existing building area.
 - b. For development with less than five hundred feet (500') of public frontage or where utilities are located within a dedicated public utility easement, the applicant may be permitted by the public works director to pay an in-lieu fee, provided the project has been designed to the satisfaction of the public works director and the project is accessible and can be easily improved at such time as the utilities are undergrounded.

Comment [MSOffice18]: The purpose for which the fee is collected needs to be stated.

c. Nothing in this section shall limit the ability of the city and applicant to enter into a deferred improvement agreement for the conversion to underground utilities at a later point in time.

d. When the city determines that undergrounding is impractical, an in-lieu fee shall be paid. An in-lieu fee shall be based on the number and type of utility lines and type of surface area being distributed and shall be paid prior to the recordation of a final or parcel map for the subdivision, or the issuance of any building permit, as applicable. The in-lieu fees shall be used by the city to fund underground activities.

3. Waiver Of Undergrounding Requirement: Aboveground meters, transformers, condensers, switches, and other related equipment may be allowed if approved as part of the site development review process. If the applicant demonstrates that the city's undergrounding requirement has the effect of prohibiting the requirement of telecommunications facilities, the approving authority shall waive the undergrounding requirement. Conditions for approval of aboveground equipment include, but are not limited to, enclosure in a building other than the principal building of the development, screening with the use of walls, partial subsurface locations, screening with landscaping, and other architectural treatment consistent with the design of the development. (Ord. 2012-01, 4-17-2012)

Comment [MSOffice19]: Not really about undergrounding. More about screening.

9-5A-6: OUTDOOR LIGHTING:

The purpose of the requirements within this section is to balance the safety and security needs for lighting with the city's desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential) and roadways.

Comment [MSOffice20]: Delete

Comment [MSOffice21]: Change to (especially residential properties) and public rights of way.

A. Exempt Lighting: The following items shall be exempt from the requirements of this chapter:

1. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
2. Temporary lights used for holiday decorations.
3. Emergency lighting erected for official purposes by local, state, or federal agencies.
4. Lighting for temporary uses and special events permitted consistent with this title.
5. Streetlights in accordance with city standards.

B. Prohibited Lighting: The following types of lighting are prohibited:

1. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through site plan and architectural review;
2. Searchlights, laser source lights, or any similar high intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the city;
3. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel;

Comment [MSOffice22]: If site plan can allow it, then its not really prohibited. Should it be prohibited or not?

Comment [MSOffice23]: Can be reworded to be more clear.

4. Illumination of entire buildings;

5. Roof mounted lighting except for security purposes; and

Comment [MSOffice24]: What is this trying to prohibit?

6. Moving, flashing, or animated lighting except as allowed for signs as provided in article F, "Signage", of this chapter.

C. General Lighting Requirements: The requirements listed below shall apply to all outdoor lighting:

1. Nuisance Prevention: All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution.

Comment [MSOffice25]: Delete

2. Maintenance: Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.

a. Burned out and broken light bulbs shall be replaced.

b. Lighting fixtures shall remain free of graffiti and rust.

c. Painted light fixtures shall be maintained to minimize chipping or peeling.

3. Lighting Study Required For Limited Land Uses: A lighting study or plan (often referred to as a photometric study or plan) shall only be required for those land uses that are most likely to have a negative impact on surrounding sensitive receptors, such as residential dwellings. As such, a lighting study or plan shall only be required for fueling stations, apartment complexes, and uses with parking lots that contain more than one hundred (100) spaces.

Comment [MSOffice26]: More about permit applications than lighting standards.

4. Shielding: Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights of way. Each fixture shall be directed downward and away from adjoining properties and public rights of way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. See figure 9-5A-6-C1, "Shielding And Maximum Height Of Freestanding Outdoor Light Fixtures", of this section.

5. Level Of Illumination: Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements are as follows and shall be verified through a lighting study or plan when required by this section:

a. Public, Civic And Religious Buildings: Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential for security or safety shall be maintained.

b. Parking Lots, Driveways, Objects: In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a

minimum maintained one foot-candle of light and an average not to exceed four (4) foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of one and one-half (1 1/2) foot-candles across the parking lot during operating hours.

Comment [MSOffice27]: Why different for banks and card rooms.

And will this be difficult to enforce?

c. Pedestrian Walkways: Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one and one-half (1 1/2) foot-candle of light and an average not to exceed two (2) foot-candles of light.

d. Entryways And Exterior Doors: Entryways and exterior doors of nonresidential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five foot (5') radius on each side of the door at ground level.

Comment [MSOffice28]: Are these standards still desired?

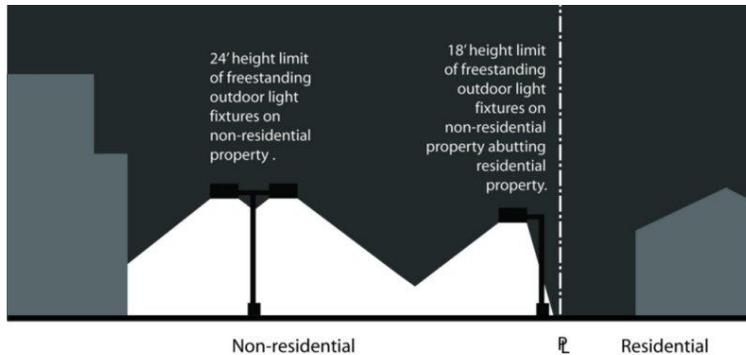
e. Minimize Light Trespass: To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) foot-candle.

f. Sports Fields/Outdoor Activity Areas: Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off site light trespass is produced. Additionally, the lights shall be turned off within one hour after the end of the event.

6. Maximum Height Of Freestanding Outdoor Light Fixtures: The maximum height of freestanding outdoor light fixtures abutting residential development shall be eighteen feet (18'). Otherwise, the maximum height for freestanding outdoor light structures shall be twenty four feet (24'). Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture. See figure 9-5A-6-C1, "Shielding And Maximum Height Of Freestanding Outdoor Light Fixtures", of this section.

Comment [MSOffice29]: How close? Ten feet?

FIGURE 9-5A-6-C1
SHIELDING AND MAXIMUM HEIGHT OF
FREESTANDING OUTDOOR LIGHT FIXTURES



* Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

Comment [MSOffice30]: This has been stated twice before. Remove.

7. Energy Efficient Fixtures Required: Outdoor lighting shall utilize energy efficient fixtures and lamps, such as high pressure sodium, metal halide, low pressure sodium, hard wired compact fluorescent, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.

8. Accent Lighting: Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar powered fixtures should be used.

D. Alternative Designs, Materials, And Installations: The designated approving authority may grant approval of alternatives to this section as part of site plan and architectural review. (Ord. 2012-01, 4-17-2012)

Comment [MSOffice31]: Consider a different way of saying this that is less ambiguous

9-5A-7: FENCES AND WALLS:

A. Purpose: The purpose of this section is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, for adequate buffering between and screening of uses and activities, and for the mitigation of noise.

B. Applicability And Exemptions: Except as provided below, the requirements of this chapter apply to all fences and walls.

1. Fences that are required by federal or state law or regulation, or which are required by the city for public safety (e.g., temporary construction site fencing) are exempt from this section.

2. Walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or site plan and architecture review for noise attenuation are exempt from this section.

C. Permit Requirements: Except as provided below, no special planning permit or entitlement shall be required for fences or walls, except that zoning plan check shall be conducted in the event that a building permit is required.

1. Site Plan And Architectural Review Required: A minor site plan and architectural review permit is required for all fences that exceed the standards of this section.
2. Retaining Walls: Retaining walls, as defined in this title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the public works director.

D. Measurement Of Fence And Wall Height: Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the public works director.

1. Landscape Walls: When a fence or wall is placed atop a "landscape wall" (as defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
2. Retaining Walls: When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

E. Height Limits:

1. General Standards: All fences and walls (except fencing in agricultural and agricultural residential zoning districts as described in subsection G2 of this section) shall comply with the height limits shown in table 9-5A-7-E1, "Development Standards For Fences And Walls", of this section.

**TABLE 9-5A-7-E1
DEVELOPMENT STANDARDS FOR FENCES AND WALLS**

Comment [s32]: This section appears to contradict section D two paragraphs above. Technically it does not, but both paragraphs need to be reworded to avoid confusion.

Comment [s33]: Change to Fence and Wall Height Limits

Comment [s34]: Table need some revisions. There is no standard for fence height in the buildable area of the lot.

Location Of Fence Or Wall	Maximum Height	Minimum Permeability ¹
Within required front yard setback ^{2,3}	42"	50%
Within required street side yard setback ^{2,3} :		
.3 feet from back of sidewalk	42"	50%

>3 feet from back of sidewalk and in front of the front face of the main building	42"	50%
>3 feet from back of sidewalk and behind the front face of the main building	7' 4	0%
Along interior and rear property lines, and all other portions of the property	7' 4	0%
Within the clear visibility area at the intersection of streets, alleys, and driveways	36"	50%

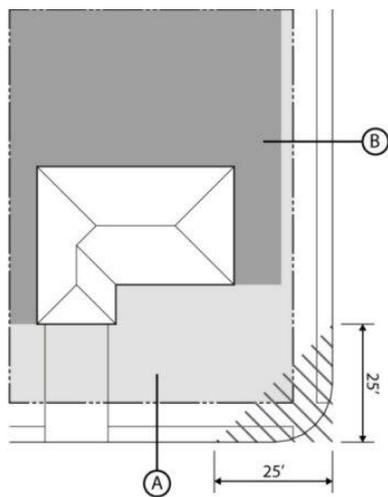
Notes:

1. Minimum permeability refers to the amount of surface area of the fence or wall that shall be open to the passage of light and air.
2. Fences within the required front and street side yard may require the issuance of an encroachment agreement if located within a city maintained public utility easement as provided in title 7, chapter 12, "Encroachments", of the municipal code.
3. Chainlink fences shall not be allowed in this area.
4. Fences taller than 6 feet require a building permit.

Comment [s35]: This a specific design standard that should not be buried in table notes. Move it to its own code section.

FIGURE 9-5A-7-E1
DEVELOPMENT STANDARDS FOR FENCES AND WALLS

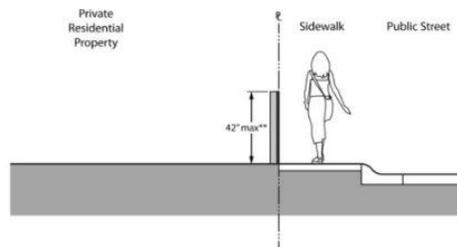
Comment [s36]: This is the same figure number as the previous figure. Call it out separately.



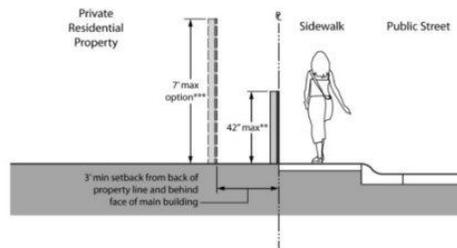
Maximum Fence Height

- 7' *
- 42"
- 36"

* Fences taller than 6' require a building permit.
 ** Fences must be at minimum 50% permeable.
 *** Fences taller than 6' require a building permit.



Section A - Fence Height in Front Yard Area



Section B - Fence Height in Street Side Yard Area

2. Landscape Walls: Landscape walls within required yard areas shall be constructed to a maximum height of thirty six inches (36"). Landscape walls shall not be used to alter the finish grade of the lot.

Comment [s37]: Modify wording. As it is worded

3. Retaining Walls:

a. Timing Of Construction: As provided in subsection C of this section, retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the public works director.

b. Height Limit: The height of retaining walls shall be limited to that height reasonably necessary to support and retain the soil for the property.

Comment [s38]: Remove. This section is unnecessary. By definition, the portion of a retaining wall that is higher than the soil is not a retaining wall. It's just a wall.

F. Fence And Wall Design Standards:

1. Open View Fencing: Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.

Comment [s39]: "Open view" should be better defined. Recommend 75% open.

2. Fencing Materials: Fences and walls shall be constructed of long lasting materials. Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor site plan and architectural review is required for barbed wire fencing abutting residential or commercial areas. Chainlink fences are prohibited in the front and street side yards of residential property.

Comment [s40]: Barbed wire standards deserve their own section so the standards can be found more easily.

3. Graffiti Resistant Surface: When required by the city or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti resistant aesthetic surface.

Comment [s41]: Make this more definitive as to when it is and is not required.

4. Landscaping: All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped and continuously maintained in accordance with article D1, "Landscaping Standards", of this chapter.

Comment [s42]: Move this to the Landscape Standards section (9-5-D1)

G. Special Fence And Wall Requirements:

1. Perimeter Walls For Residential Subdivisions: Where provided, perimeter walls for residential subdivisions shall comply with the following standards:

a. The walls shall be of a decorative design to the satisfaction of the planning director consistent with the following:

Comment [s43]: Remove phrase. Sounds to subjective.

(1) Walls shall have vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every fifty feet (50');

- (2) Walls shall include capstones (with limited overhang) of a coordinating color, material, and style as the rest of the wall;
 - (3) Walls shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish as approved by the planning director.
- b. Periodic breaks shall be provided in the wall to provide pedestrian and bicycle connectivity between the subdivision and the adjoining collector or arterial street.
 - c. Walls shall be constructed along the property line between the residential units and the required landscape easement along the collector or arterial street.
 - d. The wall height shall be a minimum of seven feet (7') or as otherwise required to adequately attenuate noise of the abutting collector or arterial street or state highway.
 - e. Walls shall be located outside of the required clear visibility area at the intersections of streets.
2. Special Fencing For Agricultural Uses Zones: All fences that enclose livestock in areas zoned for agriculture shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times.
3. Special Fencing For Commercial And Industrial Uses Abutting Residential And Agricultural-Residential Zones And Uses: Commercial and industrial uses shall be screened from abutting residential and agricultural-residential zones and uses by a masonry wall or similar solid wall with a minimum height of six feet (6') to screen the commercial use. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential or agricultural zones.
4. Special Fencing For Multi-Family Uses Abutting Residential And Agricultural-Residential Zones And Uses: Multi-family uses shall be screened from abutting residential and agricultural-residential zones and uses by a solid wall with the exception of street frontages. The design and material of the solid wall shall be determined during the site plan and architectural review process.
5. Temporary Fences: Nothing in this section shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California building code and other applicable provisions of the city's municipal code.
6. Maintenance: Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height. (Ord. 2012-01, 4-17-2012)

Comment [s44]: Blocks in block walls are 8" tall, meaning a wall (not including the capstone) will either be 6'8" or 7'4". Recommend reducing minimum height to 6'8". Also, this standard should be included in Table 9-5-7-E1

Comment [s45]: Reword. This wording appears to require walls everywhere else.

Comment [s46]: Is this needed?

Comment [s47]: Recommend raising to 6'8".

Comment [s48]: Recommend just changing this to require a masonry or toher similar solid wall.

9-5A-8: RESIDENTIAL ACCESSORY STRUCTURES:

- A. Purpose: The purpose of this section is to regulate certain types of residential accessory structures. These standards are intended to complement the requirements and standards of the city adopted building code and fire code with respect to accessory structures on residential property.

B. Permit Requirements And Exceptions: Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning plan check shall be conducted in the event that a building permit is required. Even if a building permit is not required, certain structures may require site plan and architectural review, variance, or other permits or entitlements as specified in chapter 2, article B, "Planning Permits And Entitlements", of this title.

Comment [s49]: Needs to clarify which structures require a planning permit or entitlement.

C. Development Standards:

1. Development Standards For All Accessory Structures: The development standards in this section shall apply only to detached accessory structures. Primary structures, and any other feature attached to the primary structure (e.g., attached patio cover), are subject to the setback, height, and other requirements for the zoning district in which they are located.

a. Setback Measurement: Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to any portion of the structure(s), inclusive of any overhangs, projections, railings, etc.

b. Construction Phasing: Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site.

c. Ingress/Egress Into Back Yard: A minimum three foot (3') ingress/egress pathway into a back yard shall be maintained for fire access.

Comment [s50]: Not sure why this is needed. Would there be a case where fire access would not be maintained if it were not for this section?

2. Development Standards By Type Of Accessory Structure: Table 9-5A-8-C1, "Development Standards For Residential Accessory Structures", of this section establishes development standards based on the type of accessory structure as defined in this title.

TABLE 9-5A-8-C1
DEVELOPMENT STANDARDS FOR
RESIDENTIAL ACCESSORY STRUCTURES

Accessory Structure	Development Standard				
	Minimum Setback Distance From Property Line ¹			Minimum Distance Between Structures ²	Maximum Height
	Front	Street Side	Interior (Including Rear)		
Building, m120 sf:					

<8 ft. tall	Same as for primary structure	No minimum	No minimum ³	0'	8'
~ 8 ft. tall		15'	5'	10'	16'
Building, >120 sf:					
Fully enclosed	Same as for primary structure	15'	5'	10'	16'
Limited/no enclosure		15'	5'	10'	16'
Garden structure:					
<8 ft. tall	12'	0'	0'	10'	8'
~ 8 ft. tall	12'	15'	5'	10'	16'
Carports ⁴ :					
Combustible and/or portable	Set back even with or behind the front of the house	Not permitted on the street side of a corner lot	5'	10'	Height of house
Noncombustible and permanent	No minimum ⁵		No minimum ³	10'	Height of house
Pool/spa (built-in)	Same as for primary structure	5'	5'	3'	2'
Deck (detached)	No minimum	No minimum	No minimum ²	No minimum	2'
Play equipment	Same as for primary structure	15'	5'	10'	16'

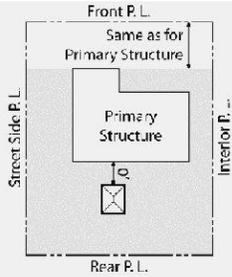
Comment [s51]: This seems too permissive. It needs additional discussion about whether to change.

Notes:

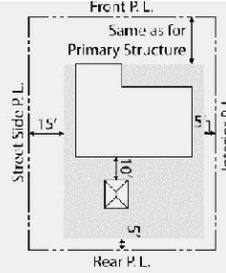
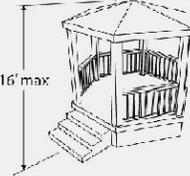
1. No accessory structure shall be permitted within an established easement.
2. A lesser or greater distance between structures may be permitted or required under the city adopted building code/fire code.
3. When a rear yard abuts a public street, structure must be on the interior side of the lot.
4. See subsections 9-5C-3B4 and B5 of this chapter for design requirements for carports.
5. Shall be located a minimum of 4 feet behind the sidewalk outside of public right of way and outside of the clear visibility area.

**FIGURE 9-5A-8-C1
DEVELOPMENT STANDARDS FOR RESIDENTIAL
ACCESSORY STRUCTURES**

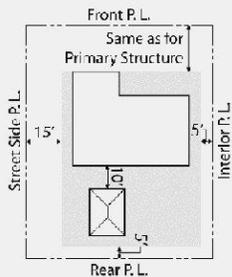
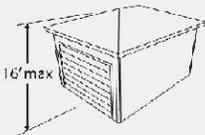
**Building,
≤120 sf and < 8 ft. tall**



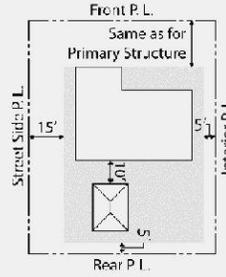
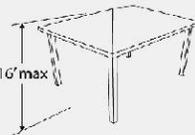
**Building,
≤120 sf and ≥ 8 ft. tall**



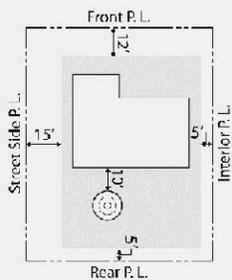
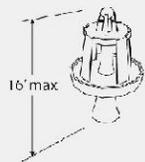
**Building,
>120 sf, Fully Enclosed**



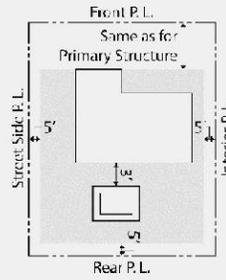
**Building,
>120 sf, Limited/No Enclosure**



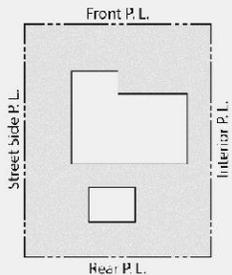
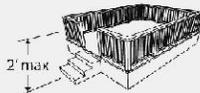
**Garden Structure,
≥ 8' ft. tall**



**Pool/Spa
(built in)**



**Deck
(detached)**



Play Equipment

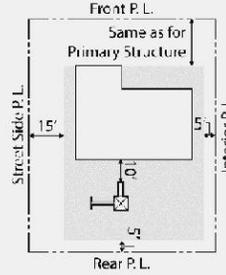
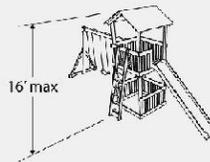
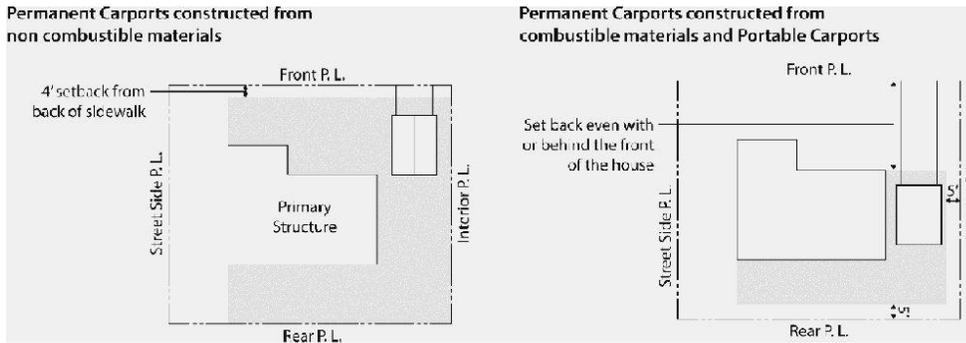


FIGURE 9-5A-8-C2
DEVELOPMENT STANDARDS FOR CARPORTS



(Ord. 2012-01, 4-17-2012)

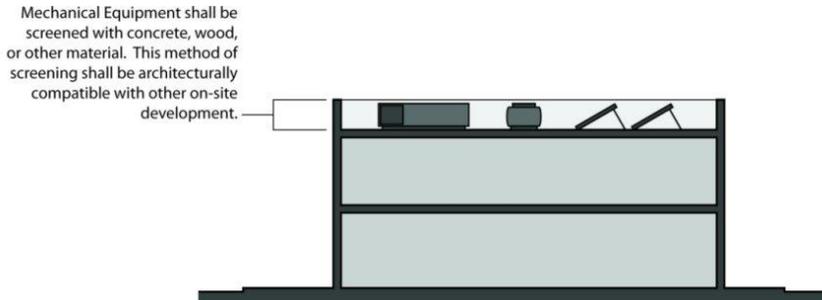
9-5A-9: SCREENING:

A. Purpose: This section establishes screening standards for mechanical equipment, refuse areas, and outdoor storage in all zoning districts and land uses.

B. Screening Of Mechanical Equipment: All exterior roof and ground mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from abutting public streets and abutting area(s) zoned for residential or open space uses. Screening of mechanical equipment shall be compatible with other on site development in terms of colors, materials, and/or architectural styles.

Comment [s52]: Move to section about mechanical equipment.

FIGURE 9-5A-9-B1
SCREENING OF ROOF MOUNTED EQUIPMENT



C. Screening Of Refuse Areas:

1. Refuse areas shall be screened from public view and adjoining public streets and rights of way and residential zoned areas.

2. The method of screening shall be architecturally compatible with other on site development in terms of colors, materials, and architectural style. Exceptions may be permitted for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential) in conformance with section 4-1-4 of the municipal code.

Comment [s53]: Move to section about Refuse Areas.

D. Screening Of Outdoor Storage: Outdoor storage (including all dumpsters, commercial items, commercial construction, or industrial related materials and equipment within commercial zones) shall be screened from any abutting right of way, trail, or property. Such screening shall be in a manner that is attractive and complementary to the principal use and/or structure that it serves. Methods to achieve screening may include, but not be limited to, fences, walls, landscaping, or earthen berms. (Ord. 2012-01, 4-17-2012)

Comment [s54]: Move to Outdoor Storage area (9-5-A10 E).

9-5A-10: OUTDOOR DISPLAY, SALES, AND STORAGE:

A. Purpose: The purpose of this section is to regulate permanent and temporary outdoor display and storage uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements And Exemptions: The following outdoor activities shall be subject to the permit requirements listed herein:

1. Permanent Outdoor Display And Sales: Permanent outdoor display and sales (including vending machines) shall require administrative site plan and architecture review approval prior to establishment. All related activities shall be developed and operated consistent with the standards of this section.

Comment [s55]: Recommend removing site plan review for vending machines.

2. Temporary Outdoor Display And Sales: Temporary outdoor display and sales shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary outdoor display and sales shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

Comment [s56]: Determine if this can be removed.

3. Permanent Outdoor Storage: Permanent outdoor storage is permitted as a specified land use (storage yards). If not part of the original development permit for the principal use, permanent outdoor storage may be permitted in mixed use, automotive and industrial, and public/quasi-public zoning districts subject to site plan and architectural review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.

Comment [s57]: Move into or near the use matrix.

4. Temporary Outdoor Storage: Temporary outdoor storage shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary outdoor storage shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

Comment [s58]: Determine if this can be removed.

C. Development Standards: The following general development standards apply to all outdoor display, sales, and storage activities and are in addition to those standards required in subsections D, "Standards For Outdoor Display And Sales" and E, "Standards For Outdoor Storage", of this section:

1. Location: Outdoor activities shall not be located within any public right of way (unless an encroachment permit has been issued), in required parking spaces, within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities shall also not disrupt or impede required pedestrian circulation paths.

2. Hours Of Operation: Except as otherwise provided, hours of operation for outdoor activities shall be consistent with those for the corresponding primary use.

3. Noise: Any noise generated by the outdoor activity shall be consistent with subsection 9-5A-4B, "Noise Standards", of this article.

4. Signs: All signage shall be consistent with the requirements of article F, "Signage", of this chapter.

5. Maintenance: Outdoor activity areas shall be kept free of garbage and other debris.

Comment [s59]: These are operational standards, not development standards. Are they addressed elsewhere?

Comment [s60]: Remove. Not needed. Signs would still be enforced the same without this section.

Comment [s61]: Is this generally stated elsewhere?

D. Standards For Outdoor Display And Sales: The following development standards shall apply to all permanent and temporary outdoor display and sales activities and are in addition to those standards listed in subsection C, "Development Standards", of this section:

1. Associated With The Primary Use: All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a temporary use permit).

Comment [s62]: Remove. Covered by 3i below.

2. Maximum Area: Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed ten percent (10%) of the gross floor area of the corresponding commercial building. When a permitted use, vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from the ten percent (10%) limitation, provided storage and display is limited to vehicles offered for sale or rental only.

Comment [s63]: Consider raising. In some cases this may be too constricting.

3. Performance Standards: Vending machines and outdoor display and sales shall meet the following requirements:

a. Shall be placed adjacent to a building wall and under a roof overhang (if available).

b. Placement shall not reduce the width of a paved clear space for the passage of pedestrians to less than four feet (4'). Clear space shall be counted as that space exclusive of vehicle overhang as provided in subsection 9-5E-5B11 of this chapter.

c. Shall not be placed closer than five feet (5') to a fire department or utility connection (e.g., fire door, gas meter, electric meter).

d. Shall not be placed closer than five feet (5') from a bicycle rack.

e. The total window transparency shall not fall below seventy five percent (75%), leaving a total of twenty five percent (25%) of the window area that can be blocked with

signs, vending machines, shelving, and other view obstructions. The view from the outside of the building to the cashier shall not be blocked under any circumstance.

- f. No more than twenty percent (20%) or forty feet (40'), whichever is less, of the total facade may be occupied by all vending and display areas combined. For example, a fifty (50) linear foot long facade shall have no more than ten (10) linear feet of outdoor display.
- g. Outdoor vending machines shall not be installed so that a customer has to stand in a public right of way or private street or drive aisle to use them.
- h. Placement shall not cause an unsafe situation (e.g., blocking vehicular traffic or creating view obstructions).
- i. Outdoor vending and display shall be ancillary to an approved primary use and may not be located on an unimproved location.
- j. Machine installations shall not have exposed conduits, piping, or overhead utility connections.

E. Standards For Outdoor Storage: The following development standards shall apply to all permanent and temporary outdoor storage activities and are in addition to those standards listed in subsection C, "Development Standards", of this section:

- 1. Location: Outdoor storage may not be located within any required front or street side yard for the underlying zoning district within which the activity is located. No pedestrian paths shall be obstructed. A paved clear space for the passage of pedestrians, no less than five feet (5') wide shall be maintained.
- 2. Windows: Outdoor storage areas shall not block the view from any windows.
- 3. Height Limitation: The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area.
- 4. Screening: Screening of outdoor storage shall be consistent with subsection 9-5A-9D, "Screening Of Outdoor Storage", of this article. (Ord. 2012-01, 4-17-2012)

9-5A-11: CARTS:

A. Purpose And Applicability: The following standards provide for the regulation and maintenance of carts as defined in this title to ensure that carts do not become a nuisance to the public. The requirements of this section shall be applicable to all establishments that include the use of carts, including grocery stores, laundromats, and similar establishments.

The development standards of this section are adopted in addition to the provisions of title 4, chapter 5, "Shopping Carts", of the municipal code, which address the public nuisance generated by stolen or abandoned carts.

B. Shopping Cart Identification Required: Every cart provided by any owner must have a sign permanently affixed to the cart that contains all of the following information:

Comment [s64]: This entire section can be modified to provide more flexibility for business owners in their plans for preventing shopping cart removal, while still meeting the purpose and intent.

1. The identity of the owner of the cart;
2. The address and phone number of the owner or retailer for cart return;
3. A statement that the removal of the cart from the premises is a violation of state law and this section; and
4. The procedure for authorized removal of the cart from the premises.

Comment [s65]: Actually, this section does not specifically say that removal is a violation. However, Section 22435.3 of the CA Business and Professions Code makes it a misdemeanor. Recommend removing reference to local code.

C. Abandoned Shopping Cart Prevention Plan Required: Every owner who allows or intends to allow the use of shopping carts outside a building or enclosed area of a business shall develop, implement, and comply with an abandoned shopping cart prevention plan. Two (2) or more businesses may collaborate and submit a single plan. The plan must include, at a minimum, the following information:

1. The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different.
2. The number of carts to be used or located on the premises.
3. A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of state and local law in addition to the notice required under subsection D, "Abandoned Shopping Cart Prevention Plan Approval", of this section. This notice may be provided in the form of fliers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition.
4. A description of the physical measures that will be implemented to prevent the removal of carts from the premises. Physical measures may include, but are not limited to:
 - a. Installing devices on carts that prevent their removal from the premises. All new establishments of ten thousand (10,000) square feet or more and having more than fifty (50) carts shall install a wheel lock containment system.
 - b. Posting of a designated employee or security guard to deter and stop customers from removing carts from the premises.
 - c. Prohibiting carts outside the building of the business unless accompanied by an employee.
5. A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the city.
6. All shopping carts located on the premises of the establishment (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day by employees of the establishment and shall be collectively confined in a secure manner in a cart confinement area, as designated in the approved plan, until the commencement of the next business day. All shopping carts located on the premises of any establishment open for business twenty four (24) hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the retail establishment and returned to the cart confinement area, as designated in

approved plan, at least once per calendar day between the hours of nine o'clock (9:00) P.M. and twelve o'clock (12:00) midnight on each day the establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located exclusively within an enclosed building and physically prevented from leaving the building.

Comment [s66]: Make this a suggested part of the prevention plan instead of a requirement. This will provide business owners with more flexibility.

D. Abandoned Shopping Cart Prevention Plan Approval:

1. Each owner shall submit a proposed abandoned cart prevention plan to the planning director prior to issuance of the business license for the establishment. Each proposed prevention plan shall be accompanied by a processing and inspection fee in an amount as set by resolution of the city council. No proposed plan shall be accepted for filing and processing by the planning director unless accompanied by the fee established by the city council.
 - a. New Or Relocated Establishments: Unless otherwise expressly exempt herein, each new establishment, and any existing retail establishment relocating to a different location within the city, shall submit a prevention plan complying with the requirements of this section, and obtain approval thereof by the city, prior to the issuance of a business license or certificate of occupancy, whichever occurs first.
 - b. Existing Establishments: Unless otherwise expressly exempt herein, each existing establishment utilizing carts shall submit a prevention plan complying with the requirements of this section within one hundred twenty (120) calendar days following the date of adoption of this section.
2. The planning director shall approve or reject the proposed abandoned cart prevention plan. The planning director may deny a plan based upon any of the following grounds:
 - a. Implementation of the plan violates any provision of the municipal code or any county, state, or federal law that substantially affects public health, welfare, or safety;
 - b. The plan fails to include all of the information required by this section;
 - c. The plan is insufficient or inadequate to prevent removal of carts from the premises based upon a field test of the plan or the experience of the city or other communities with previous implementation of a similar plan;
 - d. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;
 - e. Implementation of the plan violates a term or condition of a plan or other requirement of this title; and/or
 - f. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.
3. If the plan is rejected as incomplete or inadequate, the planning director shall indicate areas that are incomplete or inadequate.

4. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days of the plan's approval.
5. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this section shall be required to keep all carts inside the building or enclosed areas of the business.
6. Any owner who is required to but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection D5 of this section shall be subject to the penalties provided in title 1, chapter 4, "Penalty Provisions", of the municipal code.
7. The planning director's decision to deny a plan may be appealed to the city manager or the city manager's designee. A written notice of appeal must be submitted to the planning director within ten (10) days of the denial of the plan and accompanied by a copy of the plan. The city manager or designee shall review the plan under the grounds for denial set forth in subsection D2 of this section and provide a decision approving or denying the plan within thirty (30) days of receipt of the notice of appeal.
8. Even though approved, a plan may be reevaluated at any time by the planning director if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing removal of carts from the premises.
9. If an owner desires to modify the plan, the revisions shall be submitted to the planning director for review and approval prior to implementation. The procedure for review and approval of modifications shall be the same as for initial approval. (Ord. 2012-01, 4-17-2012)

CHAPTER 5

ARTICLE B. DEVELOPMENT STANDARDS BY ZONING DISTRICT

9-5B-1: PURPOSE:

9-5B-2: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

9-5B-3: URBAN-RURAL EDGE:

9-5B-1: PURPOSE:

The purpose of this article is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts. (Ord. 2012-01, 4-17-2012)

9-5B-2: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

A. Table 9-5B-2, "Development Standards For Base Zoning Districts", of this section includes lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the city's base zoning districts. Zoning district names for the zoning district symbols used in the table are as follows:

1. Residential zoning districts:

- a. AR = Agriculture and rural residential;
- b. RVLD = Very low density residential;
- c. RLD = Low density residential;
- d. RN = Traditional neighborhood residential;
- e. RLMD = Low-medium density residential;
- f. RMD = Medium density residential;
- g. RHD = High density residential.

2. Mixed use zoning districts:

- a. DMX-1 = Downtown mixed use, core;
- b. DMX-2 = Downtown mixed use, auto oriented;
- c. DMX-3 = Downtown mixed use, transitional;
- d. MU = Mixed use.

3. Office, commercial, and industrial zoning districts:

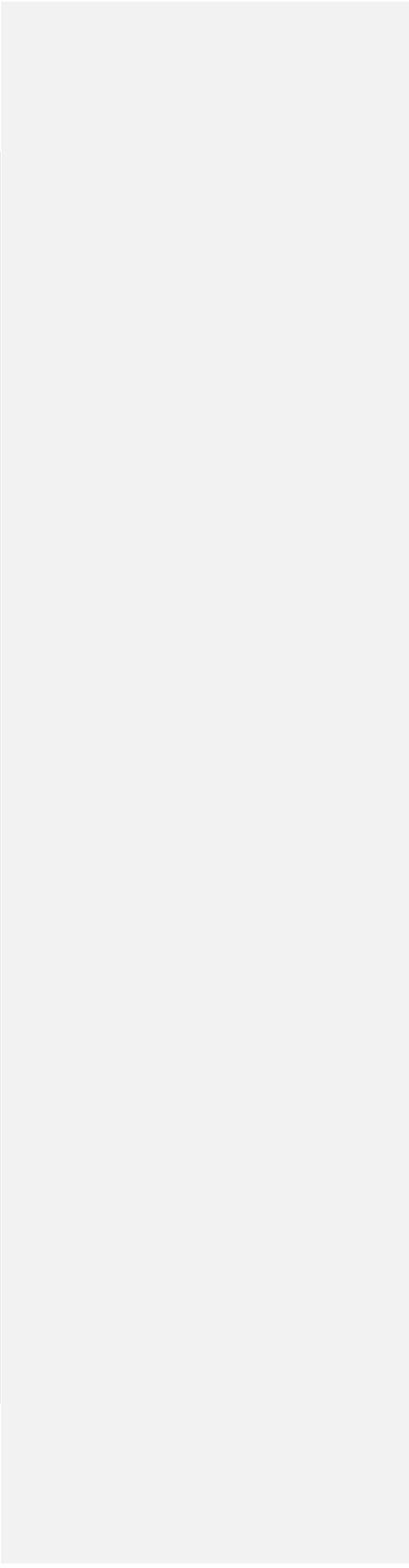
- a. NC = Neighborhood commercial;
- b. RC = Regional commercial;

Comment [s1]: Since this article is mainly dealing with setbacks and height limits, it is more suitable for it to be located next to Section 9-5A-2 and 9-5A-3, which also deal with setbacks and height. Move these sections there.

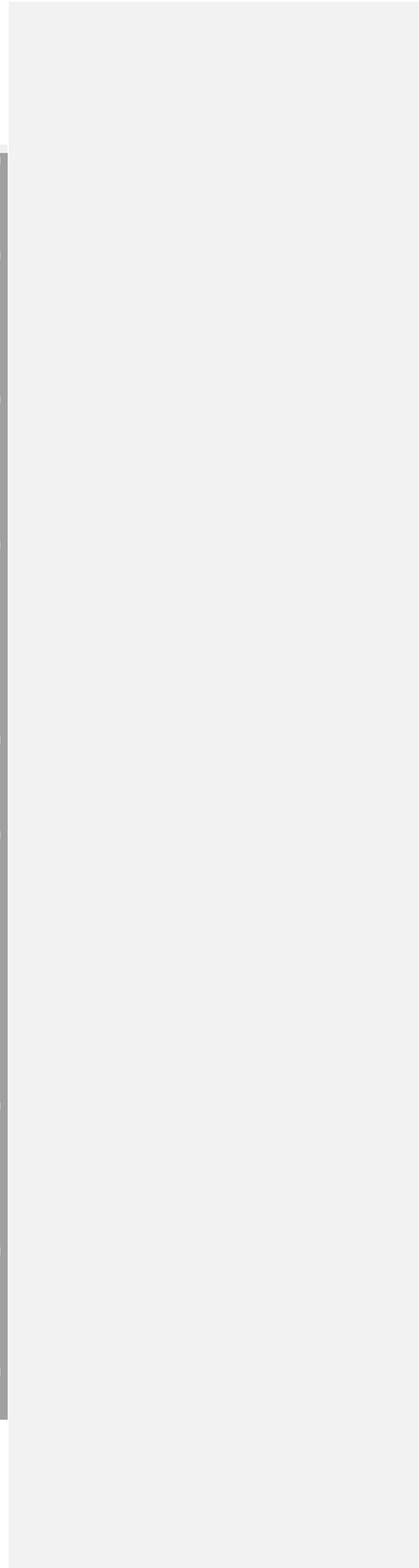
Comment [s2]: Move this section to follow Section 9-5A-3.

dimensions:																
Lot size, minimum (square feet)	40,000	15,000	7,000	3,000	3,000	2,000	2,000	-	-	20,000	20,000	20,000	-	-	-	-
Lot size, maximum (square feet)	No max.	40,000	15,000	7,000	7,000	5,000 ¹	No max.									
Lot width, minimum ¹⁰	15'0"	15'0"	60'	5'0"	60'	60'	6'0"	-	-	-	-	-	-	-	-	-
Lot depth, minimum	20'0"	15'0"	10'0"	9'0"	90'	80'	8'0"	-	-	10'0"	10'0"	10'0"	-	-	-	-
Setbacks:																
Front yard:																
Generally ² ₁₂	60'	40'	18'	15'	20'	20'	2'0"	0'	0'	25'	25'	25' ₃	0'	0'	0'	25'
To garag	-	-	20	2	20	20	2	1	0'	-	-	-	-	-	-	-

e, front facing			'	0'	'	'	0'											5'											
To garag e, side load	-	-	15'	-	-	-	-																						
To porch	-	-	12'	12'	12'	12'	-											-	-	-	-	-	-	-	-	-	-	-	-
Side yard:																													
Interi or side	15'	10'	5' ₄	5' ₄	5'	10'	10'	5'	0' ₅	0' ₅	0' ₅	0' ₆	0'	0'	0'	0'	5'	0' ₅	0' ₅	0' ₅	0' ₆	0'	0'	0'	0'	0'	0'	0'	
Street side ¹²	25'	15'	15'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	
Comb ined both sides	-	-	10'	10'	10'	-	-										-	-	-	-	-	-	-	-	-	-	-	-	
Rear yard:																													
Gene rally	10' ₄	10' ₄	10' ₄	10' ₄	10'	10'	10'	5'	0' ₅	0' ₅	25'	25'	0'	0'	0'	5'	0' ₅	0' ₅	25'	25'	0'	0'	0'	0'	25'	25'			
To detac hed alley loade d	-	-	-	0'	-	-	-																						



garage																	
Abutting a street ¹¹	20'	20'	20'	20'	20'	-	-	-	-	-	-	-	-	-	-	-	-
Separation, minimum ⁷	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	-	-	0'	0'	0'	10'	10'
Residential accessory structures	See section 9-5A-8, "Residential Accessory Structures", of this chapter																
Coverage:																	
Lot coverage, maximum percent of lot area ⁸ :																	
Generally	75%	75%	75%	75%	75%	-	-	80%	80%	65%	-	-	-	-	-	-	-
Front yard	60%	60%	60%	60%	60%	-	-	-	-	-	-	-	-	-	-	-	-
Floor																	



area ratio (FAR) :																
Minimum	-	-	-	-	-	-	-	0.10	0.10	0.10	-	-	-	-	-	
Typical	-	-	-	-	-	-	-	0.20	0.30	0.20	-	-	-	-	-	
Maximum	-	0.25	0.40	0.40	0.60	0.80	-	0.60	0.60	0.60	-	-	-	-	-	
Height limits:																
Height, maximum	40'	40'	35'	35'	45'	60'		-	-	35'	60' ¹⁹	60' ¹⁹	30'	65'	30'	45'

Notes:

1. Larger lot sizes may be permitted through site plan and architectural review for condominiums, townhomes, and similar attached developments.
2. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum 2 foot stagger between adjacent lots. Reduced setbacks may be approved as part of a planned unit development overlay zoning district or master home plan approval as a way to provide varied setbacks.
3. For every 1 foot in additional height, an additional 1 foot in setback is required.
4. Additional 5 feet is required for each additional story.
5. Required setback is 10 feet when adjacent to any residential zoning district.
6. Required setback is 15 feet when adjacent to any residential or mixed use zoning district.
7. Separation requirements apply to buildings on the same site as well as separation between buildings on adjacent parcels.
8. Also see subsection 9-5D1-2E, "Special Landscape Requirements", of this chapter for corresponding minimum landscaping and pervious surface requirements.
9. Additional building height may be allowed through site plan and architectural review when

additional height is necessary for mechanical equipment as part of an industrial operation.

10. For flag lots, the minimum width for the access corridor shall be 10 feet. The lot width shall be measured from the front property line as described in section 9-5A-3, "Setback Determination And Requirements", of this chapter.

11. See section 9-5B-3, "Urban-Rural Edge", of this article.

12. 15 foot landscape buffer required along arterial and collector streets in addition to minimum setback. These 2 standards are not cumulative and may overlap. See subsection 9-5D1-2E2, "Landscape Buffers Required Along Arterial And Collector Streets", of this chapter.

(Ord. 2012-01, 4-17-2012)

9-5B-3: URBAN-RURAL EDGE:

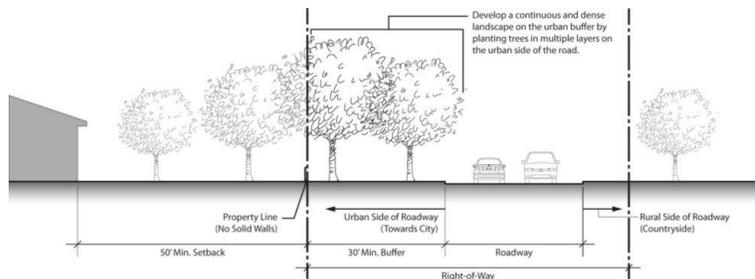
Comment [s4]: Move this section to follow Section 9-5A-3.

A. Consistent with the policies of the general plan, development along the urban edge of the city shall incorporate the following design requirements. These standards shall specifically apply to development along Marsh Drive, the Lemoore Canal, and portions north of Glendale Avenue, portions of Belle Haven Drive, Industry Way, Idaho Avenue, Jackson Avenue, and other areas as depicted in figure 3-1 of the general plan.

1. A minimum fifty foot (50') setback from the roads identified above;
2. Design and construction of a minimum thirty foot (30') wide landscaped buffer within the public right of way or landscape easement (see figure 9-5B-3-1 of this section);
3. Planting multiple layers of trees closely for visual impermeability, and using drought resistant indigenous trees where appropriate;
4. Providing only minimal street lighting, at a rate that is fifty percent (50%) of comparable city standard;
5. Prohibiting the use of solid walls along these edges (all fences must be visually permeable); and
6. Ensuring the scale and character of development does not overwhelm the surroundings by stepping down building heights at the edges.

Comment [s5]: I assume this can be reasonably accomplished by providing lighting on only one side of the street.

FIGURE 9-5B-3-1
TYPICAL SETBACK AND LANDSCAPE BUFFER ALONG
URBAN-RURAL EDGE



CHAPTER 5

ARTICLE C. ARCHITECTURAL AND SITE DESIGN STANDARDS

9-5C-1: PURPOSE AND APPLICABILITY:

9-5C-2: DESIGN CONCEPTS:

9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:

9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:

9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

9-5C-1: PURPOSE AND APPLICABILITY:

A. Purpose: This article establishes design standards to guide discretionary site plan and architectural review decisions related to various development types.

B. Applicability: The provisions within this section apply to all projects subject to site plan and architectural review as described in section 9-2B-12, "Minor Site Plan And Architectural Review", of this title. Development standards and design provisions for the downtown mixed use zones (DMX-1, DMX-2, and DMX-3) are addressed in chapter 6, "Downtown Development Standards", of this title. (Ord. 2012-01, 4-17-2012)

9-5C-2: DESIGN CONCEPTS:

A. General: All projects subject to site plan and architectural review are expected to implement the following design concepts:

1. Provide high quality site planning, architecture, and landscape design;
2. Enhance the character of the city and/or implement specific design attributes identified in various subareas;
3. Ensure physical, visual, and functional compatibility between uses; and
4. Protect land values by ensuring that proper attention is paid to site and architectural design.

B. Neighborhood Design: The following design concepts apply to the subdivision of land and to larger residential, commercial, and industrial projects that create a private street network, with the overall intent of visually and functionally interconnecting neighborhoods with commercial and employment centers.

1. Provide a balanced mix of land uses including housing, schools, parks, commercial, and employment areas.
2. Provide pedestrian friendly neighborhoods which are walkable and provide easy access to destinations that residents will travel to on a daily basis.
3. Organize new housing in identifiable neighborhoods and provide diversity of housing types, sizes, and densities.
4. Provide multimodal connectivity throughout neighborhoods and between neighborhoods and commercial and employment centers.

Comment [s1]: The contents of his entire Article (5C) are usually found in a City's Design Guidelines document instead of in the Zoning Ordinance. In the Ordinance, each standard is required to be followed to the letter. In a Design Guidelines document, each standard becomes a guideline that staff and the Planning Commission can use as a tool to evaluate the merits of a proposed project. As a guideline, if some of the standards are not being met, but the Planning Commission and Council thinks the project is still worth approving, then they can approve it. This is an important distinction that merits discussion on how to proceed.

Comment [s2]: We are going to make site plan review a ministerial review of plans based on the adopted standards instead of a staff discretionary review.

5. Incorporate landscaping to minimize urban runoff.
6. Create pedestrian friendly streets that include building orientation to public streets and/or parks and open space.

C. Architectural Design:

1. Provide authentic architectural styles. Particular attention should be paid to the design of all front elevations and side elevations facing a street or open space.
2. Include a diversity of commercial building and housing types by size and mass, elevation, orientation, and setback to avoid repetition. The intent is to create visual variation and interest throughout the community.
3. Design buildings that have a variety in mass and scale to avoid large featureless walls. (Ord. 2012-01, 4-17-2012)

9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:

The standards contained in this section shall apply to new residential development, including single-family residential subdivisions, master home plans, and multi-family residential developments. These standards are intended to implement the design concepts described above.

A. Site Design:

1. Circulation: Create an on site circulation system that provides for the safe and efficient movement of all transportation modes:
 - a. Provide internal streets, driveways, and sidewalks that allow residents to park once and easily navigate the entire project site on foot.
 - b. Use special paving to identify pedestrian areas.
 - c. Provide connections between the public street and the front door of single-family residential dwellings and multi-family buildings. Design solutions may include, but are not limited to, dedicated pedestrian paths and driveways.
 - d. Utilize maximum block lengths of five hundred feet (500'), except for blocks with single-family residential uses, which may be up to six hundred feet (600') long or seven hundred fifty feet (750') when developed with mid block pedestrian connections.
 - e. All new streets and alleys must connect to other streets and alleys to form a continuous vehicular and pedestrian network. Local, internal streets should be narrow and designed with traffic calming features to control speed.
 - f. Limit the use of cul-de-sacs to no more than ten percent (10%) of the length of all streets in a subdivision map, where constrained by surrounding land attributes.
 - g. Encourage loop out streets rather than cul-de-sacs.

Comment [s3]: This is too ambiguous. What is the real intent?

Comment [s4]: This is too ambiguous. What is the real intent?

h. Also see title 8, chapter 7, article J, "Subdivision Design Standards", of the municipal code for additional subdivision design requirements.

2. Building Placement And Orientation: Create diverse residential streetscapes that facilitate interaction between residents and include homes and residential structures that orient to the street.

a. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two foot (2') stagger between adjacent lots.

Comment [s5]: There are differing opinions about whether this technique provides a better streetscape. Does the Commission want to keep it?

b. Multi-unit residential buildings (e.g., townhomes, condominiums, apartments) shall be designed with different building setbacks and facade variations when multiple buildings are provided.

c. Orient home and building sites to take advantage of solar heating and opportunities for solar energy generation.

d. Residential development adjacent to open space/parks and other public spaces shall maintain visual access from residential units and common buildings to provide "eyes on the street" surveillance opportunities.

e. Buildings shall be designed with structural and spatial variety along the front facades to avoid monotonous appearance.

3. Public Space/Pedestrian Amenities: Create attractive and active environments for the enjoyment of residents within residential projects.

a. Provide common open spaces within one thousand feet (1,000') of each residential unit.

b. Multi-family project shall provide one or more amenities for residents as listed below:

(1) Tot lot/play structure;

(2) Community garden;

(3) Picnic tables with barbecue area (with shade structure);

(4) Swimming pool; and

(5) Indoor recreation facility.

Comment [s6]: Change to "or"

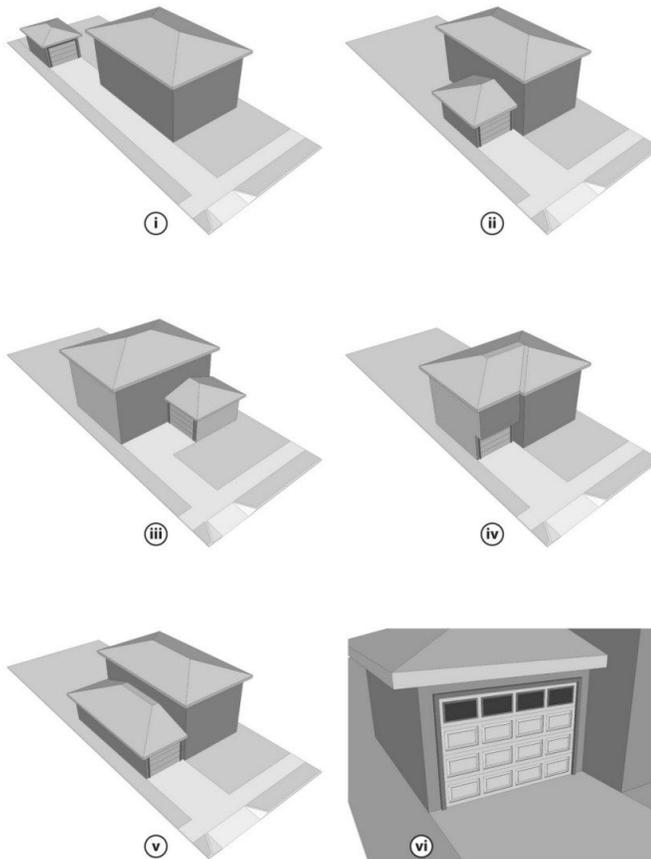
4. Garage Placement And Design: Create residential developments where the garage is subordinate to the main home/building.

a. Within master plan home designs, the garage shall not extend more than five feet (5') beyond the front of the home. The only exception to this standard permitted shall be swing garages.

b. All garages are required to minimize the negative visual impact of the garage door. Options to achieving this requirement include, but are not limited to, the following:

- (1) Place the garage at the rear of lot away from public view (e.g., alley load);
- (2) Recess the garage behind the living area of the home;
- (3) Utilize side-on garages where garage door is perpendicular to the street (e.g., "swing garage"; see limitation in subsection A4d of this section);
- (4) Cantilever the second story over the garage;
- (5) Utilize a tandem garage;
- (6) Articulate garage doors with windows, paneling, and other details.

FIGURE 9-5C-3-A2
SINGLE-FAMILY GARAGE PLACEMENT OPTIONS



c. Garage doors facing the street shall not exceed fifty percent (50%) of the width of the home. Subdivisions with lots that are less than fifty feet (50') wide may increase this maximum to sixty percent (60%). Duplexes, triplexes, etc., are permitted to exceed this percentage.

d. No more than one in seven (7) master home plans may utilize a swing garage design.

Comment [s7]: Could this requirement be increased, like to 2 or 3 in 7.

B. Architectural Design: Neighborhoods should incorporate identifiable architectural styles. Residential buildings should be designed to avoid long featureless facades and fit the neighborhood context.

1. Massing, Scale, And Form:

a. The structural mass of larger residential buildings shall be broken down into smaller component parts representative of individual dwelling units by:

- (1) Using dormers, overhangs, balconies, wall projections, and/or porches;
- (2) Using varied roof forms as appropriate to the architectural style;
- (3) Utilizing changes in materials to create variations;
- (4) For multi-unit buildings, staggering the facade of each unit to create different depths along continuous facades, with no total building length exceeding one hundred twenty five feet (125').

b. Attached product (e.g., townhomes or multi-family buildings) shall be designed to look like individual units through the use of clearly identified entries, styles, and design details and a variety of roof forms.

c. Master home plans shall include "antimonotony" provisions, as follows:

- (1) Design rooflines with changes in ridgeline direction and configuration;
- (2) A minimum of one home plan within each master plan series shall be one story (this only applies to single-family developments);
- (3) All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes;
- (4) A minimum of twenty five percent (25%) of all home designs shall include an outdoor living area such as a porch or courtyard that is at least five feet (5') in depth to allow for seating.

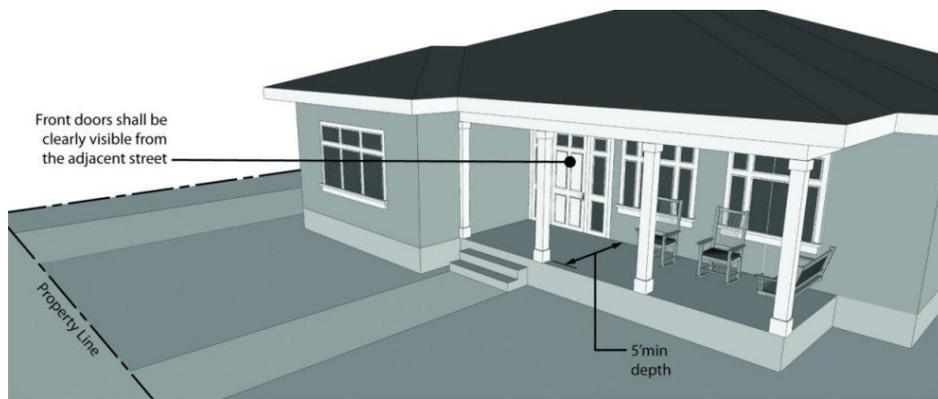
2. Style And Design Provisions:

a. For single-family residential subdivisions and master home plans, no two (2) identical looking floor plans and elevations shall be placed on lots within a group of five (5) adjacent lots. For purposes of this section, "adjacent lots" shall mean those lots on either side of a subject lot and those three (3) lots directly across the street from the subject lot (referred to as a "six pack").

Comment [s8]: Here is the six pack rule. If the Commission wants to consider alternatives, one possible alternative that would provide more flexibility would be to change to the definition of adjacent lots to say "adjacent lots shall mean those lots on either side of a subject lot and up to three (3) of the nearest lots whose front lot line is directly across the street from the front lot line of the subject lot (referred to as a "six pack"). This will reduce the total number of six pack combinations in a subdivision.

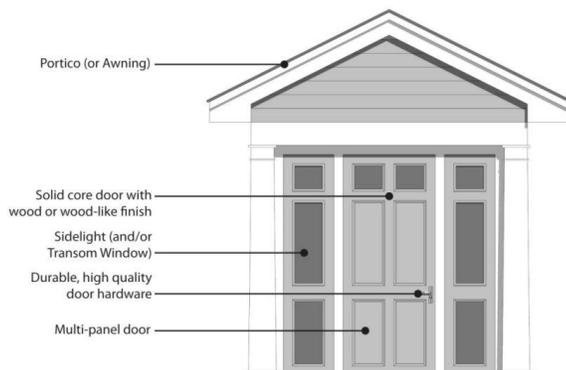
- (1) As described herein, building facades shall include distinctive architectural features like windows, chimneys, and other such elements. Use articulation of building massing to reveal internal organization of building elements such as stairs and atriums, internal gathering spaces, and major interior spaces.
 - (2) Designs of homes in residential subdivisions should be substantially different from one another so that no plan/elevation should look similar to another.
- b. For multi-family projects, no two (2) identical elevations shall be placed next to each other. Alternatives include, but are not limited to, rotating the buildings so different elevations are next to each other or utilizing a different building/elevation design. The intent is to limit the monotony of design within multi-family complexes.
- c. Elevations facing public streets or public open space areas, shall:
- (1) Wrap facade materials along the side yard elevations to the fence line;
 - (2) Provide architectural features to articulate facades such as trim around doors and windows with substantial depth and detail, window boxes, brackets, overhangs, trellises, and/or lattice.
- d. Entry features from a public or common sidewalk shall be provided.
- (1) When provided, porches shall provide functional seating areas with a minimum depth of five feet (5');
 - (2) Front doors shall be clearly visible from the street;
 - (3) Architectural elements and material shall be used to denote a primary entrance, including use of a higher quality door and hardware.

FIGURE 9-5C-3-B1
MINIMUM DEPTH OF A FUNCTIONAL FRONT PORCH



- e. Windows and doors shall:
 - (1) Use window molding, shaped frames, and sills to provide architectural relief;
 - (2) Frame all windows with a minimum of four inch (4") trim and/or inset into facade to provide depth and shadow lines.
 - f. Upper story balconies shall have a minimum depth of six feet (6').
 - g. Side facades facing public areas (public or internal streets and sidewalks, open space areas, etc.) shall match the level of design detail on front facades when visible.
3. Entries: Primary residential entries shall create an inviting transition between the public and private realm, as follows:
- a. Separate private entries from the public sidewalk with a semiprivate transition area, such as a porch, terrace, stoop, or similar element.
 - b. Provide weather protection over each primary entry extending a minimum of four feet (4') from the building facade.
 - c. Primary residential entries shall have at least two (2) of the following characteristics:
 - (1) Awning or portico;
 - (2) Multi-panel door;
 - (3) Transom windows and/or sidelights;
 - (4) Durable, high quality door hardware;
 - (5) Solid core door with wood or woodlike finish.

FIGURE 9-5C-3-B2
 CHARACTERISTICS OF A PRIMARY ENTRY
 (SINGLE-FAMILY AND MULTI-FAMILY)



4. Single-Family And Mobilehome Development: New single-family and mobilehome development shall comply with the following specific design criteria in addition to the other standards of this section.

a. Siding Material: All main buildings and all detached garages located on the front half shall consist of either wood, masonry, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level; except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

b. Roofs: The following roof design standards shall apply:

(1) Roof Overhang: All main buildings shall have a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the roof overhang is architecturally integrated into the design of the dwelling unit.

(2) Roofing Material: All main buildings and all detached garages and carports located on the front half of the lot shall have a roof constituted of wood shakes, asphalt, composition or wood shingles, clay, concrete or metal tiles, slate or built up materials. All housing units shall have pitched roofs.

Comment [s9]: Remove wood shakes and wood shingles.

c. Foundations: All main buildings shall be placed on a permanent foundation which meets applicable city adopted building code requirements and/or section 18551 of the Health And Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevation of the surrounding dwelling units.

d. Deviations: The planning director may approve deviations from one or more of the development/architectural standards in this section for single-family and mobilehome development on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the planning director may be appealed to the city council in accordance with section 9-2A-8, "Appeals", of this title.

5. Multi-Family Development: New multi-family residential development shall meet all of the following specific design criteria in addition to the other standards of this section:

a. Minimum twenty foot (20') landscaped yards between streets and parking areas.

b. Parking frontages limited to no more than twenty five percent (25%) of street frontages.

c. Carport and garage designs that match building designs.

d. Carport locations restricted such that they are not highly visible from public streets; portable carport covers shall be prohibited.

e. Open landscape area such that each dwelling unit has at least four hundred (400) square feet of on site open space, which may be private open space provided by balconies or patios, or common open space.

Comment [s10]: This requirement assumes a suburban style multi-family development. An urban apartment building in a downtown-like setting would not be able to meet this requirement.

f. At least thirty two (32) square feet in floor area of private storage space apart from interior closet space shall be provided for each unit.

g. Common open space for all ages, including tot lots.

Comment [s11]: Remove. Already covered by n below.

h. Buffer landscaping, at least ten feet (10') deep shall be provided along the project perimeter where adjacent to sensitive uses (usually referred to as a "buffer area").

i. Architecturally interesting buildings that are not bulky and "boxlike". This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to one hundred twenty five feet (125').

j. Building entries to have roofed projections or recessed entries.

k. Roof mounted mechanical equipment should be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground mounted on the interior side or in the rear of the lot.

Comment [s12]: This requirement is already addressed in Article 5A.

l. Pedestrian access provided by walkways to link residential units with other units and with recreational and other facilities within a project.

m. Multi-family project developments with twenty five (25) units or more shall provide at least one on site recreational area of at least ten thousand (10,000) square feet in size, or five percent (5%) of the overall site, whichever is greater. This requirement is waived for development in the downtown.

n. Except for senior housing developments, multi-family developments shall provide one play area (e.g., tot lot) for every forty (40) dwelling units in the project. Each play area shall be a minimum of seven hundred fifty (750) square feet in area and shall be equally spaced from each other. Each play area shall be fenced and include play equipment with at least five (5) activities. (Ord. 2012-01, 4-17-2012)

9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:

A. Site Design:

1. Circulation: The design of access and circulation on project sites should tie the development into the overall neighborhood. In some instances, the internal circulation may extend the public street system into the project site as private streets and drive aisles.

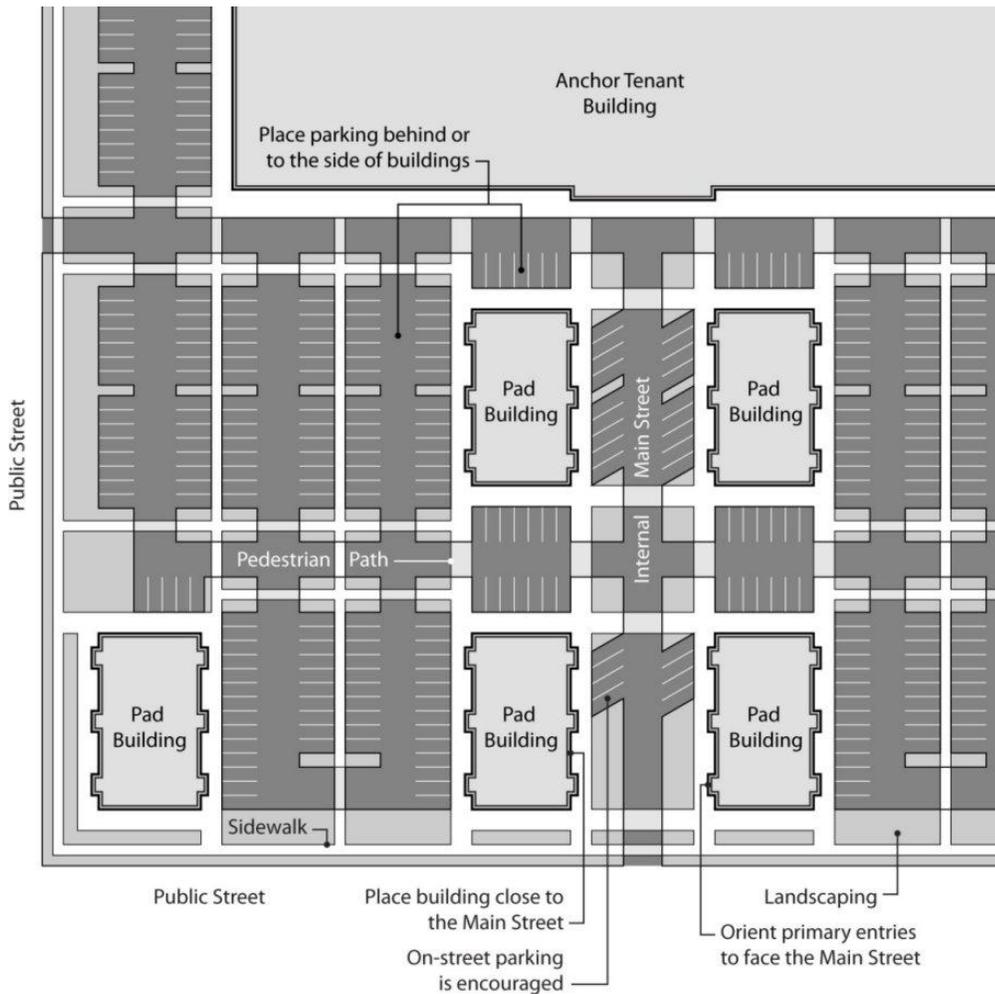
a. For project sites over fifteen (15) acres in size, primary access streets shall be designed as internal "main streets" or "main ways" with the following characteristics:

(1) Place building close to the internal "main street" or "main way" with primary entries facing toward this way;

(2) Place parking fields behind or to the side of buildings and/or provide on street parking along the internal "main street" or "main way".

Comment [s13]: I can't think of any shopping centers where this type of design occurs on the main access drive from the street. The closest to this design would be the entrance to the Tulare Outlet Center (which as a result of its design is continually backed up with traffic) and the Fig Garden Village (which has two main aiseways with a parking lot in between.)

FIGURE 9-5C-4-A1
INTERNAL "MAIN STREET" CHARACTERISTICS

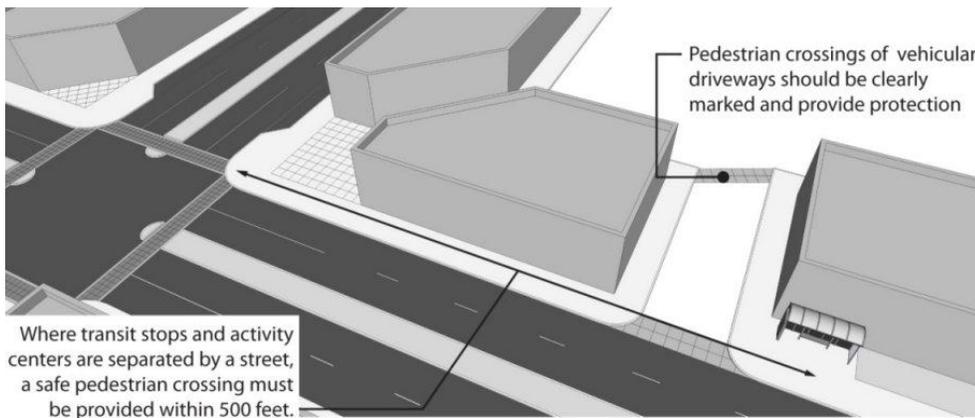


b. For auto dependent uses (e.g., car sales lots, gas stations, drive-through restaurants), the building shall be designed to maximize pedestrian safety and convenience.

- (1) Place a portion of the building at the building setback line with a building entrance facing the sidewalk; or
- (2) Create a continuous pedestrian path between the primary building entrance and the sidewalk along the street.

- c. Commercial and employment areas shall be linked to adjacent neighborhoods with continuous pedestrian pathways.
- d. When transit stops are provided, they shall be fully integrated into the project site and/or at the focal point of the development. The following situations are strictly prohibited:
 - (1) Pedestrian crossings of vehicular driveways without clear marking and protections;
 - (2) Street crossings between transit stops and activity centers without a safe pedestrian crossing within five hundred feet (500').

FIGURE 9-5C-4-A2
INTEGRATING TRANSIT STOPS INTO PROJECT SITES



- 2. Public Spaces And Pedestrian Amenities: All development shall be pedestrian oriented with design components and amenities, as follows:
 - a. Sites over fifteen (15) acres in size include plazas and gardens where people can gather.
 - b. Uses such as restaurants shall front onto plazas or a public sidewalk and may incorporate outdoor seating and/or dining.
 - c. Outside areas shall be designed with a combination of landscape and hardscape materials to create inviting outdoor pedestrian environments.
 - d. Buildings located at street corners shall include building entries, public plazas, and/or small parks.

e. Seating areas that are hidden from view behind buildings or landscaping are prohibited.

3. Building Placement And Orientation: Design and construct buildings to create safe, pleasant, and active environments:

a. For project sites over fifteen (15) acres in size, buildings shall be placed and oriented to create a "main street" environment.

b. All buildings shall be placed and oriented as follows:

(1) Front doors of commercial buildings shall orient to streets or pedestrian oriented areas.

(2) Ground floor commercial shall have at least one building entrance for each facade. For buildings facing two (2) streets, a corner entry is acceptable.

(3) If a separation is provided between the public street and building (e.g., for parking or a drive aisle), the area shall include significant pedestrian features to create a strong connection between the public sidewalk and primary building entry, such as:

(A) Landscaped plaza;

(B) Bicycle parking area;

(C) Landscaped promenade;

(D) Continuous trellis feature;

(E) Other amenities;

(F) Utilities are prohibited.

c. Loading and delivery areas shall not be located within a required front or side setback area. When provided, they shall be screened with architectural wing walls and landscaping.

B. Architectural Design:

1. Massing, Scale, And Form: Commercial and mixed use structures should be designed to contribute to an active, human scaled environment and should complement adjoining properties.

a. Multilevel buildings shall incorporate:

(1) Building designs that have a visually distinct "base" and "cap".

(2) Upper story elements which overlook the street (windows, balconies, terraces).

(3) Separate entrances for residential uses, when provided.

FIGURE 9-5C-4-B1
DESIGN OF MULTI-STORY BUILDINGS

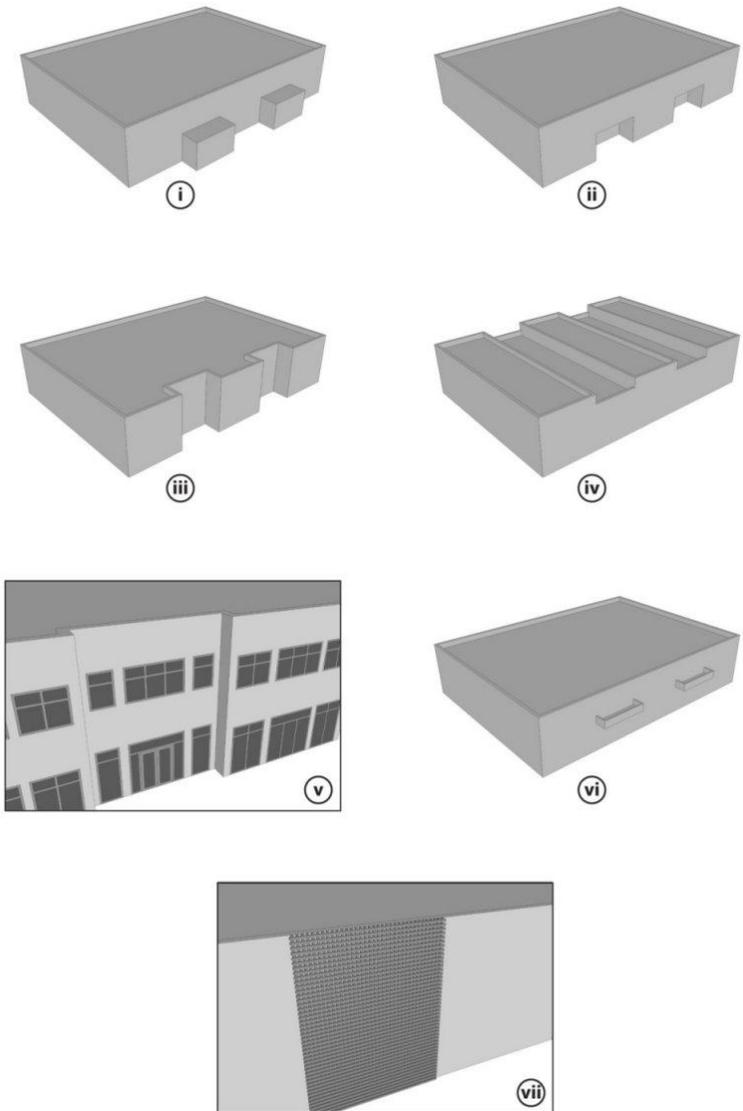


- b. Building walls shall be articulated to break up the apparent mass of large building with one of the following techniques a minimum of every thirty feet (30'):
 - (1) Offsets;
 - (2) Recesses;
 - (3) Changes in plane;
 - (4) Changes in height;
 - (5) Use of windows and doors;
 - (6) Projections such as balconies; and
 - (7) Use of trellis and similar features.
- c. Buildings and building walls shall be articulated with the use of engaged columns or other expressions of the structural system.
- d. Horizontal and vertical divisions shall be provided through changes in color, texture, and/or material.
- e. Long commercial facades shall be divided into storefronts with visually separate displays.
- f. Roof design shall incorporate the following:
 - (1) Variations in rooflines shall be provided with the use of dormers, windows, overhangs, arches, gables, or similar details.
 - (2) Sloped roofs shall include eaves that overhang a minimum of one and one-half feet (1 1/2').

Comment [s14]: What is the real intent? Some acceptable commercial architectural styles do now use rood overhang.

(3) Flat roofs shall be screened with parapets on all sides that are a minimum height of one and one-half feet ($1\frac{1}{2}$) (see also the required screening of mechanical equipment in section 9-5A-9, "Screening", of this chapter).

FIGURE 9-5C-4-B2
TECHNIQUES TO BREAK UP LONG BUILDING WALLS



2. Style And Design Details: Commercial facades should appear open, inviting, and engaging to the passerby.

a. Storefronts shall provide the following:

- (1) Weather protection at building entries and extending along the facade (e.g., overhangs, canopies, awnings, building recesses).
- (2) Transparent surfaces to allow a view into and out of buildings from the public sidewalk. A minimum of fifty percent (50%) of primary storefront facades shall be open and transparent to the outside. If window tinting is used, it shall permit a minimum of eighty percent (80%) light transmission.

FIGURE 9-5C-4-B3
PRIMARY STOREFRONT DESIGN



b. Primary entries shall be clearly visible from the street and provide visual interest, with at least three (3) of the following:

- (1) Differentiated roof, awning, or portico;
- (2) Trim detail to accentuate the openings;
- (3) Project or recess entries from their surrounding building facades;
- (4) Detailed doors and doorway with ornate hardware, transoms, sidelights, trim details, and framing;
- (5) Windows within entry doorways equivalent to fifty percent (50%) of door surface area;
- (6) Decorative lighting.

c. Secondary entries shall have minor detailing that adds architectural distinction to the facade.

d. Use windows to create an open and inviting atmosphere, as follows:

(1) Ground floor storefront glazing along the primary facade should comprise a minimum of fifty percent (50%) of the main floor's overall exterior surface wall area (display window may also be used to satisfy this criterion).

Comment [s15]: Most big box stores will not meet this standard.

(2) Multiple windows shall be provided on the front facade above the main floor in a uniform pattern for all buildings over one story in height.

(3) Frame openings with trim and/or recess windows in from the building facade. The trim and/or recess shall be a minimum of four inches (4").

e. The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process.

3. Mechanical Equipment Screening Design Standards:

a. Roof mounted mechanical equipment shall be screened from view by:

- (1) Raising the parapet to the maximum height of the equipment; or
- (2) Providing a secondary screen that hides the maximum height of the equipment; and
- (3) If a secondary screen is used, it shall be architecturally compatible with the building and shall not use chainlink, wood, plastic, or similar fencing material.

b. Ground mounted mechanical units (e.g., condensers, generators, backflow devices, utility boxes) shall be screened from view with wing walls, landscaping, or a combination. (Ord. 2012-01, 4-17-2012)

9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

A. Site Design: The intent of design standards within this section is to provide for the appropriate functional and aesthetic arrangement of buildings and site components for industrial developments.

1. Circulation: Develop a circulation system that minimizes conflicts between automobiles, large trucks, and other modes of travel.

a. Primary entry drives for automobiles, particularly for visitors arriving by car, shall be enhanced with at least two (2) of the following:

- (1) Ornamental landscaping;
- (2) Low decorative wall;
- (3) Monument sign; and
- (4) Decorative paving.

- b. Separation shall be provided between vehicle parking areas, truck loading areas, and pedestrian areas (e.g., access paths to buildings from the public sidewalk, pedestrian plazas, transit stops).
 - c. Loading area shall be located in the rear of buildings least visible from public rights of way.
2. Building Placement And Orientation: Industrial projects should present an attractive appearance to the public and minimize any adverse impacts on adjacent properties.
- a. At least one building on each site should have a public entrance that is a visual focus of the building and have a strong orientation to the street.
 - b. A continuous pedestrian path shall be provided between the public street and the primary building.
 - c. Screen all mechanical equipment from view of the public street, through the use of screen walls, landscaping, and site placement.
 - d. Provide screening between industrial development and adjacent nonindustrial land uses.
 - e. Industrial buildings with bays and loading docks shall orient the bays and loading docks away from the primary street and shall be screened from view of the street and adjacent residential areas.
 - f. Outside storage areas that are visible from a public right of way shall be screened by use of solid fences, solid masonry walls, berms, landscaping, and/or a combination thereof. Screening shall be a minimum of six feet (6') in height or at least as high as the stored materials.
 - g. Long expanses of fence or screen walls shall be architecturally designed with offsets and other techniques to prevent monotony.
3. Public Spaces And Amenities: Outdoor spaces with amenities should be provided for benefit of employees. At least one of the following shall be provided and sized based on the size and demand of the facility:
- a. Plaza, patio, or courtyard;
 - b. Linear promenade;
 - c. Walking/jogging paths;
 - d. Terraces; and
 - e. Usable landscape area.
4. Landscaping: Provide for attractive and functional landscaping for purposes of screening, buffering, and softening of various site elements.

Comment [s16]: Delete. Covered by 4d below.

a. Provide landscaping along all site frontages to create attractive landscape areas between the public street and parking areas and/or building walls.

b. Provide enhanced landscaping at primary entrances into the site.

c. Use vines along long expanses of wall to deter graffiti and soften the appearance of long blank walls.

Comment [s17]: This would be difficult to accomplish for large industrial buildings.

d. When industrial uses are located adjacent to less intense nonindustrial uses, additional landscaping shall be provided along the property line.

B. Architectural Design: The intent of the following design provisions is to encourage projects that contribute positively to the community.

1. Entries: Entries into industrial buildings shall convey a sense of entry and architectural primacy along the facade while maintaining an architectural relationship to the overall building composition.

2. Building Form And Massing: No wall surface shall exceed seventy five feet (75') without interruption in the horizontal plane by a minimum of ten percent (10%).

Comment [s18]: This is confusing. What does it mean?

3. Style And Details: Ensure that buildings with expansive facades incorporate design elements and details to provide visual variety and interest.

a. Front and side facades visible from adjacent streets or adjacent nonindustrial property shall include architectural features such as reveals, windows and openings, trellises, and changes in color, texture, and material to add interest to the building elevation and reduce its visual mass.

b. Use alterations of colors and materials to create visual interest and diversity.

c. Use siding materials to produce effects of texture and relief to create architectural interest.

d. Metal buildings shall only be used for primary site buildings if exterior surfaces include some stucco, plaster, glass, stone, brick, decorative masonry, or contrasting metal trim and columns. The facade shall be broken up through the use of colors, textures, break lines, detail metal, or other similar architectural treatments.

e. The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process. (Ord. 2012-01, 4-17-2012)